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J. ArthurSupplemental Response After Final Rejection
Group Art Unit 2879, Expedited Procedure

03500.005745.38

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application:
of U.S. Patent No. 5,759,080

SEISHIRO YOSHIOKA ET AL.

Appln No.: 09/587,249

Filed: June 2, 2000

For: DISPLAY DEVICE WITH
ELECTRON-EMITTING DEVICE
WITH ELECTRON-EMITTING
REGION INSULATED FROM
ELECTRODES

Examiner: K. Ramsey

Group Art Unit: 2879

July 17, 2003

FAX RECEIVED
AUG 20 2003
T.C. 2800Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450SUPPLEMENTAL RESPONSE
AND
SUBMISSION OF SUPPLEMENTAL REISSUE DECLARATION

Sir:

This paper is filed supplemental to the Amendment After Final Rejection filed on June 10, 2003, which was filed in response to the Office Action (Paper No. 16) of March 10, 2003.

The Office Action stated that a supplemental declaration is required to cover errors corrected by the claim changes which have been made since the previous

supplemental declaration was filed. Claims 1-6, 8, 9, 11, 12, 15, 16, 18-23, 26-28, 31-43,

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declaration under 35 U.S.C. § 251, for the same reasoning. The Office Action also stated that Claims 1-6, 8, 9, 11, 12, 15, 16, 18-23, 26-28, 31-43, 45, 49-57, and 59-62 would be allowed if a proper supplemental reissue declaration were to be filed.

Attached hereto is a Supplemental Reissue Declaration For Reissue Patent Application (37 C.F.R. § 1.175). The Supplemental Reissue Declaration is believed to be in compliance with the requirement set forth in the Office Action and with 37 C.F.R. § 1.175(a). Accordingly, Applicants respectfully request withdrawal of the foregoing rejections. All of the claims are believed to be in condition for allowance.

An Information Disclosure Statement is submitted concurrently herewith. The Information Disclosure Statement cites the same art as that which was cited in the Information Disclosure Statement filed on June 20, 2003. However, it has been noticed that, through inadvertent error, the heading on the front page of the latter Information Disclosure Statement sets forth the wrong identifying information for this application, other than the correct Application No. 09/587,249. Accordingly, Applicants are submitting the attached Information Disclosure Statement to ensure that the art cited therein will be considered, despite the foregoing error. As the Examiner will note, the header of the attached Information Disclosure Statement bears the correct identifying information of the present application.

It is believed that no extension fee is required in connection with this Supplemental Response, since, for the reasons given in the Amendment filed on June 10, 2003, the "final" status of the Office Action is believed improper and should be withdrawn.¹ Nonetheless, if the Patent and Trademark Office considers that an extension

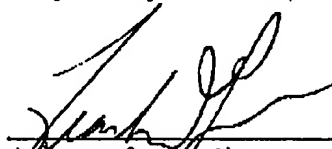
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fee is due, please charge any such extension fee to Deposit Account No. 06-1205.

Applicants respectfully request favorable reconsideration and allowance of the present reissue application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Registration No.

42,476

FITZPATRICK, CELLA, HARPER & SCINTO
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New York, New York 10112-3801
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application:
of U.S. Patent No. 5,759,080

SEISHIRO YOSHIOKA ET AL.

Appln No.: 09/587,249

Filed: June 2, 2000

For: DISPLAY DEVICE WITH
ELECTRON-EMITTING DEVICE)
WITH ELECTRON-EMITTING)
REGION INSULATED FROM)
ELECTRODES)

Examiner: K. Ramsey

Group Art Unit: 2879

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL REISSUE DECLARATION
FOR REISSUE PATENT APPLICATION (37 C.F.R. § 1.175)

Sir:

As a below named inventor, I hereby declare and say that:

1. I believe that I am one of the original, first and joint inventors of the subject matter which is claimed in the subject reissue application and for which a reissue patent is sought on the invention entitled DISPLAY DEVICE WITH ELECTRON-EMITTING DEVICE WITH ELECTRON-EMITTING REGION INSULATED FROM ELECTRODES, the specification of which was filed in the Patent and Trademark Office on June 2, 2000, and accorded Application No. 09/587,249.

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2. I have reviewed and understand the contents of the above-identified reissue application, including the claims.

3. I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

4. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application, which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Japan	62-174837	July 15, 1987	Yes
Japan	62-250448	October 2, 1987	Yes
Japan	62-255063	October 9, 1987	Yes
Japan	62-255068	October 9, 1987	Yes
Japan	63-102485	April 27, 1988	Yes
Japan	63-102486	April 27, 1988	Yes
Japan	63-102487	April 27, 1988	Yes
Japan	63-102488	April 27, 1988	Yes
Japan	63-154516	June 21, 1988	Yes

5. I believe that the original, above-identified U.S. Patent is partly inoperative by reason of the inventors having claimed less than they had the right to claim in the

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subject patent; specifically, while U.S. Patent 5,759,080 correctly claims some aspects of our invention, namely a method of preparing an electron-emitting device as defined in Claims 1-5, the patent does not claim other aspects to which we are entitled. Therefore, our original U.S. Patent 5,759,080 does not provide adequate protection for those aspects of our invention. The claims which have been added in the present reissue application (and which are presently pending) define those aspects of our invention, and should be included in the patent.

The claims which have been added in the present reissue application recite at least some features which do not appear in any of the claims of our original U.S. Patent 5,759,080. For example, original Claims 1 and 2 of our U.S. Patent 5,759,080 recite, in part, "etching the insulating layer so as to partially expose the fine particles" and "etching the semiconductor layer so as to partially expose the fine particles", respectively, and original Claims 3-5 of our U.S. Patent 5,759,080 each recite, in part, "dispersing fine particles between said electrodes". One of the errors in our U.S. Patent 5,759,080 is that none of those original claims provides patent protection for a broader aspect of the present invention not necessarily requiring those steps, such as a method of fabricating an electron-emitting device which comprises a pair of electrodes and a layer disposed between the electrodes, the method comprising the steps of disposing the pair of electrodes in first and second regions on a substrate, respectively, and providing the layer between the regions, the layer comprising a metal and a semiconductor, wherein the metal is Pd. This aspect of the invention is set forth in Claim 6, which has been added in the present reissue application.

During the prosecution of U.S. Patent Application No. 08/479,000, which matured into the above-identified U.S. Patent, and during the prosecution of the parents of that U.S.

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Patent Application, the inventors did not appreciate that the claims which now have been added in the present reissue application could have been presented for examination. After that U.S. Patent issued, it was recognized by an official of the Intellectual Property Department of Canon Kabushiki Kaisha, the assignee of the entire interest in the patent, that the invention as defined in those claims could and should have been claimed by the inventors.

Accordingly, I believe that the failure of our U.S. Patent 5,759,080 to provide adequate protection for the aspects of our invention set forth in the claims which have been added in the present reissue application renders the patent partly inoperative for the reason that we claimed less than we had the right to claim in the patent.

6. I hereby declare and say that every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on my part.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full Name of Sole or First Inventor SEISHIRO YOSHIOKAInventor's signature Seishiro YoshiokaDate July 10, 2003 Citizen/Subject of JAPANResidence 2-5, Fujimino 1-chome, Hiratsuka-shiKanagawa-ken, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, JapanFull Name of Second Joint Inventor, if any ICHIRO NOMURASecond Inventor's signature Ichiro NomuraDate June 25, 2003 Citizen/Subject of JAPANResidence 2-1-4-302, Morinosato, Atsugi-shiKanagawa-ken, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, JapanFull Name of Third Joint Inventor, if any HIDETOSHI SUZUKIThird Inventor's signature Hidetoshi SuzukiDate June 24, 2003 Citizen/Subject of JAPANResidence 114-3, Shimoaida-cho, Izumi-ku, Yokohama-shiKanagawa-ken, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, Japan

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Full Name of Fourth Joint Inventor, if any TOSHIHIKO TAKEDAFourth Inventor's signature Toshihiko TakedaDate June 25, 2003 Citizen/Subject of JAPANResidence 6-6, Nara 5-chome, Aoba-ku, Yokohama-shi,Kanagawa-ken, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, JapanFull Name of Fifth Joint Inventor, if any TETSUYA KANEKOFifth Inventor's signature Tetsuya KanekoDate June 27, 2003 Citizen/Subject of JAPANResidence 4-128, Shimonoya-cho, Tsurumi-kuYokohama-shi, Kanagawa-ken, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, JapanFull Name of Sixth Joint Inventor, if any YOSHIKAZU BANNOSixth Inventor's signature Yoshikazu BannoDate June 27, 2003 Citizen/Subject of JAPANResidence 7-23-6-208, Tamagawagakuen, Machida-shiTokyo, JapanPost Office Address c/o Canon Kabushiki Kaisha30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo Japan

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Full Name of Seventh Joint Inventor, if any KOJIRO YOKONO

Seventh Inventor's signature

Kojiro Yokono

Date June 30, 2003 Citizen/Subject of JAPAN

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Neil Kay DO

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Alexandria, VA 22313-1450

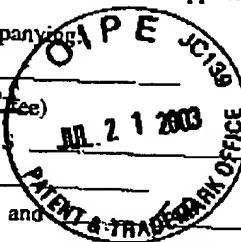
Date 7 / 21 / 03
Mo. Day Yr.Atty. Docket 03500 005745.38Application No. 03/527,249

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. _____
- ☒ Check for \$ 180.00 (claim fee) 180
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☒ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and returning to deliver.

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Date 6 / 20 / 03
Mo. Day Yr.Atty. Docket 03500, 0057/52Application No. 09/567249

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action.
- ☒ Check for \$ 190.00 (check fee) 305
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☒ Information Disclosure Statement, PTO-1449 and 12 documents
- ☐ Claim for priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

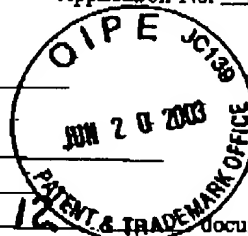
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Due Date

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Mo. Day Yr.

By Hand



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FORM PTO 1449 (modified)				ATTY DOCKET NO. 03500.005745.36		APPLICATION NO 09/587,249	
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				APPLICANT SEISHIRO YOSHIOKA ET AL			
LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)				FILING DATE August 26, 1999		GROUP 2879	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>Wsz</i>		3,500,102	3/70	Crost et al.	313	109	
<i>Wsz</i>		4,857,799	8/89	Spindt et al.	313	495	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
<i>Wsz</i>		56-018336	2/81	JAPAN			ABSTRACT
<i>Wsz</i>		56-071239	6/81	JAPAN			ABSTRACT
<i>Wsz</i>		1 267 029	3/72	GREAT BRITAIN			English
<i>Wsz</i>		1 335 979	10/73	GREAT BRITAIN			English
<i>Wsz</i>		0 388 984 A2	3/90	EPO			English
<i>Wsz</i>		0 299 461 B1	5/95	EPO			English
<i>Wsz</i>		0 299 461 A3	1/89	EPO			English
<i>Wsz</i>		855782		SOVIET UNION			NO
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER <i>Murini Portage</i>				DATE CONSIDERED <i>2/24/05</i>			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 1 of 1